

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
June 15, 1992

Meeting convenes at 10:00 a.m., Monday, June 15, 1992, in the fourth floor conference room.

Public Participation

10:30 a.m.

Break

3:00 p.m.

APPOINTMENTS:

Dennis Day, Ben Kelly, Jim Mollendor

11:00 a.m.

City of Tama (Item # 12A)

11:30 a.m.

Paul Dofner (Item # 12B)

1:00 p.m.

Hollis DeVoe (Item # 12E)

1:30 p.m.

1. Dyersville Improvement (Item # 12C)

2:00 p.m.

-
2. Approve Minutes of May 18, 1992.
 3. Director's Report. Information. (Wilson)
 4. Financial Status Report. (Kuhn) Information.
 5. Monthly Reports. (Stokes) Information.
 6. Nonpoint Source Management Plan. (Stokes) Information.
 7. Proposed Rule--Chapter 61, Certification of Corps of Engineers Regional Permits. (Stokes) Information.
 8. Final Rule--Chapter 60, Storm Water Discharge Permits. (Stokes) Decision.
 9. Final Rule--Chapter 136, New Financial Assurance Compliance Date for Petroleum Underground Tank Owners with 1-12 Tanks. (Stokes) Decision.
 10. Notice of Intended Action--Chapter 10, Administrative Penalties. (Stokes) Decision.
 11. Proposed Contested Case Decision--Leo Schachtner. (Stokes) Decision

12. Referrals to the Attorney General. (Stokes) Decision

- (a) City of Tama (tabled)
 - (b) Kirshna A. Birusingh (Pottawattamie County) (tabled)
 - (c) Dyersville Implement, Inc.
 - (d) Leo ^{ward}Page (Kent)
 - (e) Hollis DeVoe/Michael Murray/Robert Rausch (Chickasaw County)
 - (f) Charlie Fox (Hamburg)
 - (g) V.R. Dillingham (Everly)
 - (h) Follett's Tap (Camanche)
 - (i) Kenneth Bode (Mills County)
 - (j) George Taylor (Onslow)
 - (k) Van Hulzen Oil Co. (Oskaloosa)
-

13. General Discussion

14. Address Items for Next Meeting

NEXT MEETING DATES:

July 20, 1992

August 17, 1992

September 21, 1992

The following appointments will need to be added to the agenda:

City of Tama (Item #12A)	11:30 a.m.
Paul Dofner (Item #12B)	1:00 p.m.
Hollis DeVoe (Item #12E)	1:30 p.m.
Dyersville Implement (Item #12c)	2:00 p.m.

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 15, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

ROBERT MAIN

Iowa Water Pollution Control Assoc.

Newtown, IA

LINDA ROBEL

GRIMES, IA.

Joanna Werch

Dallas County News

Adel

TOM C. ROBEL

GRIMES, IA

Scott Young

Muscatine

David Thompson

Brown Engineering

WDM

Amy Christensen Couch

Wasker Sullivan & Ward

DM

Kurt Huchman

Organic Technologies

Pike

Todd M. Clancy

IA Ready Mixed Concrete Assoc

WDM

Pauline Wippeman

Grimes

Margaret Taylor

Grimes

Thabel Baer

Grimes

Theresa Kehoe

Am. Perm Research

CAPITOL

ROD BISHART

CR Ogilvie

WDM

DAVE VEST

GROUMARK, INC.

Bloomington, IL

Kurt Wippeman

Grimes

Don Lockson

Asphalt Paving Assoc - West D.M.

ENVIRONMENTAL PROTECTION COMMISSION

June 15, 1992

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Ben Kelly	Farmer	Grimes Area
Janann Witmer	Farmer	Grimes, IA.
Jan Kelly	Owner	Grimes Ia
Serry Witmer	Farmer	Grimes
JOB NETTLETON	SALSBURY CHEMICALS,	CHARLES CITY
Mark Tinsdell	Bering, Swanson + Forrest, P.C.	DM.
CHRISTINA GAULT	Farm Bureau	WDSM
Daniel Akers	" "	WDSM
Jenna M. Hoot	Cutty's D.M. Camp & Club	Grimes
Melvin Reese	Cutty's D.M. Camp & Club	Grimes
Ken Mowbray	Grimes city council	Grimes
Jim Wallen	Grimes Self	Grimes
Harold Wallace	Self	Grimes
DANIEL RATHJEN	CITY OF TAMA	TAMA
ERNEST BURESH	CITY OF TAMA	TAMA
NORM MIRANDA	SEC DONOHUE	TAMA
Ken McNichols	Iowa Limestone Prod Assn	Des Moines

ENVIRONMENTAL PROTECTION COMMISSION

June 15, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

VERN Beachy	Radio Tower	DSM
Gordon Small	Java Conc. Perming Assn.	DSM
Rick Kelley	UHL	DSM
CRAIG Finch	LA Motor Truck Assn.	DSM
Paul Dofner	Dofner Trucking	C.B. De
James Small	Ozernullo Dofner	Ozernullo - de
H.D. DEVOE	ECOLOGY ENTERPRISES, INC	DEHWELD, LA

RECORD COPY
File Name ADM-1-1-1 EPC Meeting
Senders Initials JP June 1992

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JUNE 15, 1992

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

TABLE OF CONTENTS

Call to Order	1
Members Present.....	1
Members Absent.....	1
Adoption of Agenda.....	1
ADOPTED AS AMENDED	1
Approval of Minutes	1
APPROVED AS PRESENTED	1
Director's Report.....	1
Financial Status Report - YTD Division Expenditures.....	2
INFORMATIONAL ONLY	6
Monthly Reports.....	6
INFORMATIONAL ONLY.....	22
Nonpoint Source Management Plan	22
INFORMATIONAL ONLY	23
Proposed Rule--Chapter 61, Certification of Corps of Engineers Regional Permits.....	23
INFORMATIONAL ONLY	24
Public Participation.....	24
Robert Main.....	24
Don Jordison.....	25
Todd Clancy	25
Appointment - Ben Kelly (Grimes composting facility)	26
Appointment - Jim Mollendor (Grimes composting facility).....	26
Dennis Day.....	27
Senator Jim Riordan (Grimes composting facility).....	28
Linda Robel (Grimes composting facility)	30
CONSENSUS TO DELAY YARD WASTE COMPOSTING PERMIT TO METRO SOLID WASTE UNTIL EIS IS SUBMITTED	31
Referrals to the Attorney General	31
City of Tama	32
Appointment - Norman Miranda (City of Tama).....	32
REFERRED.....	33

Final Rule--Chapters 60 and 64, Storm Water Discharge Permits	33
ADOPTED AS PRESENTED	34
Referrals to the Attorney General (Continued)	34
Kirshna Birusingh.....	34
Appointment - Paul Dofner (Kirshna Birusingh referral).....	35
REFERRED.....	35
Final Rule--Chapter 136, New Financial Assurance Compliance Date for Petroleum	
Underground Tank Owners with 1-12 Tanks	35
ADOPTED AS PRESENTED	37
Notice of Intended Action--Chapter 10, Administrative Penalties	37
ADOPTED AS PRESENTED	39
Proposed Contested Case Decision--Leo Schachtner	39
NO ACTION TAKEN	40
Referrals to the Attorney General (Continued)	40
Hollis Devoe/Michael Murray/Robert Rausch	40
Appointment - Hollis DeVoe.....	40
REFERRED.....	41
Dyersville Implement, Inc.....	41
Appointment - Duane Gravel (Dyersville Implement, Inc. referral)	41
MOTION WITHDRAWN	42
Closed Session (Dyersville Implement, Inc. referral)	42
NOT REFERRED - \$1,000 ADMINISTRATIVE PENALTY IMPOSED.....	43
Leonard Page.....	43
REFERRED.....	43
Charlie Fox.....	43
REFERRED.....	43
V.R. Dillingham	43
REFERRED.....	44
Follett's Tap	44
REFERRED.....	44
Kenneth Bode.....	44
REFERRED.....	44
George Taylor.....	44
REFERRED.....	45
Van Hulzen Oil Co.	45
REFERRED.....	45
General Discussion	45
Address Items for Next Meeting.....	45

Next Meeting Dates 46

Adjournment 46

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on June 15, 1992, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck
Rozanne King
Charlotte Mohr
Gary Priebe
Nancylee Siebenmann
Clark Yeager

MEMBERS ABSENT

Margaret Prahl

ADOPTION OF AGENDA

The following appointments were added to the agenda:

- City of Tama (Item #12a) 11:30 a.m.
- Paul Dofner (Item #12b) 1:00 p.m.
- Hollis DeVoe (Item #12e) 1:30 p.m.
- Dyersville Implement (Item #12c) 2:00 p.m.

Motion was made by Rozanne King to approve the agenda as amended. Seconded by Charlotte Mohr. Motion Carried unanimously.

ADOPTED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of May 18, 1992, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, reported that the department recently received two environmental awards. The "Iowa Needs a Cleaner Environment" award was presented to Teresa Hay and the DNR by the Des Moines Register and Younkers Department Store. An EPA Administrator's Award for innovative, creative, and healthful environmental efforts was presented to the Iowa DNR. The utility enterprise with the city of Osage also received an EPA Administrator's Award for their innovative programs.

Director Wilson informed the Commission of the upcoming REAP Congress to be held on July 11, 1992, at the Capital. He extended an invitation to any commissioner who would like to attend.

Chairperson Hartsuck congratulated the director on the awards received by the department and related that it speaks well for Iowa.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The division level Year-to-Date expenditure report, as of March 31, will be forwarded to commissioners as soon as available. Accounting is making adjustments relative to the ~~deappropriation of \$464,500, General fund, in varying amounts by division. Our best~~ estimate, at this point, is that the DNR will be under budget, overall, as compared to the General Fund operating appropriations, assuming no salary adjustments.

No decision has been made at this point regarding the State's response to the Supreme Court salary question. Staff will attempt to provide the latest information on this issue, as it relates to DNR operations, at the June meeting.

(Reports are shown on the following 3 pages)

Environmental Protection Commission Minutes

June 1992

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 1

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 <i>DIRECTOR'S OFFICE</i>					
101 PERSONAL SERVICES	17,391.26	185,502.74	153,570.00	31,933.00	167,531.00
202 IN-STATE TRAVEL	1,592.03	18,233.25	33,916.00	15,683.00-	37,000.00
205 OUT-STATE TRAVEL	0.00	1,365.95	2,750.00	1,384.00-	3,000.00
301 OFFICE SUPPLIES	58.08	1,442.94	1,833.00	390.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	92.50	842.18	687.00	155.00	750.00
308 OTHER SUPPLIES	0.00	45.64	1,100.00	1,054.00-	1,200.00
309 PRINTING & BINDING	1,615.10	9,550.85	12,833.00	3,282.00-	14,000.00
401 COMMUNICATIONS	355.61	4,752.69	2,750.00	2,003.00	3,000.00
406 OUTSIDE SERVICES	250.00	1,930.22	1,833.00	97.00	2,000.00
410 DATA PROCESSING	0.00	1,298.37	4,400.00	3,102.00-	4,800.00
414 REIMBURSEMENTS TO OTHER A	0.00	139.80	687.00	547.00-	750.00
501 EQUIPMENT	0.00	5,598.84	3,551.00	2,048.00	3,874.00
602 OTHER EXPENSES & OBLIGATI	50.00	50.00	0.00	50.00	0.00
BUREAU TOTAL	21,404.58	230,753.47	219,910.00	10,844.00	239,905.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 4

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	78,968.23	1,101,223.32	1,176,183.00	74,961.00-	1,283,115.00
202 IN-STATE TRAVEL	1,682.30	17,961.88	20,162.00	2,202.00-	22,000.00
203 STATE VEHICLE OPERATION	342.65	5,071.97	7,994.00	2,922.00-	8,721.00
204 STATE VEHICLE DEPRECIATIO	0.00	7,050.00	11,421.00	4,371.00-	12,460.00
205 OUT-STATE TRAVEL	2,365.01	5,296.21	8,935.00	3,638.00-	9,750.00
301 OFFICE SUPPLIES	4,140.45	89,281.53	93,818.00	4,537.00-	102,350.00
302 FACILITY MAINTENANCE SUPP	97.62	3,723.74	3,666.00	58.00	4,000.00
303 EQUIPMENT MAINTENANCE SUP	484.93	2,470.93	2,750.00	279.00-	3,000.00
308 OTHER SUPPLIES	3,658.64	37,086.40	60,088.00	23,000.00-	65,555.00
309 PRINTING & BINDING	2,371.55	236,951.79	329,625.00	92,673.00-	359,593.00
312 UNIFORMS & RELATED ITEMS	0.00	383.12	550.00	167.00-	600.00
401 COMMUNICATIONS	2,398.81	27,415.94	26,216.00	1,199.00	28,600.00
402 RENTALS	735.66	1,368.80	1,833.00	464.00-	2,000.00
403 UTILITIES	10.21	170.79	687.00	516.00-	750.00
405 PROF & SCIENTIFIC SERVICE	0.00	50.00	6,416.00	6,366.00-	7,000.00
406 OUTSIDE SERVICES	3,005.14	30,923.52	54,173.00	23,249.00-	59,100.00
408 ADVERTISING & PUBLICITY	8.75	8.75	5,623.00	5,614.00-	6,135.00
410 DATA PROCESSING	197.15	10,052.75	12,328.00	2,276.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	203.15	4,078.64	4,583.00	505.00-	5,000.00
501 EQUIPMENT	0.00	8,588.43	9,807.00	1,218.00-	10,700.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,589.00	0.00	4,589.00	0.00
DIVISION TOTAL	100,670.25	1,593,747.51	1,836,858.00	243,112.00-	2,003,879.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 8

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	256,777.25	3,292,244.78	3,622,179.00	329,934.00-	3,951,473.00
202 IN-STATE TRAVEL	4,337.22	45,667.56	51,330.00	5,662.00-	56,000.00
203 STATE VEHICLE OPERATION	3,139.22	45,927.52	55,458.00	9,531.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	0.00	57,975.00	68,016.00	10,041.00-	74,200.00
205 OUT-STATE TRAVEL	175.66	1,998.24	1,649.00	350.00	1,800.00
301 OFFICE SUPPLIES	6,190.82	266,374.75	310,380.00	44,004.00-	338,600.00
302 FACILITY MAINTENANCE SUPP	36.00	16,306.45	5,499.00	10,807.00	6,000.00
303 EQUIPMENT MAINTENANCE SUP	4,443.67	40,800.77	47,665.00	6,864.00-	52,000.00
308 OTHER SUPPLIES	4,372.68	16,642.19	10,723.00	5,918.00	11,700.00
309 PRINTING & BINDING	4,491.45	14,010.30	19,522.00	5,512.00-	21,300.00
312 UNIFORMS & RELATED ITEMS	248.71	3,523.35	2,933.00	590.00	3,200.00
401 COMMUNICATIONS	6,409.33	73,766.46	73,149.00	617.00	79,800.00
402 RENTALS	0.00	497.50	458.00	40.00	500.00
406 OUTSIDE SERVICES	7,823.07	30,937.27	47,571.00	16,633.00-	51,900.00
408 ADVERTISING & PUBLICITY	0.00	101.50	458.00	357.00-	500.00
410 DATA PROCESSING	37,863.70	159,079.96	97,623.00	61,456.00	106,500.00
412 AUDITOR OF STATE REIMBURS	0.00	58,020.06	77,916.00	19,896.00-	85,000.00
414 REIMBURSEMENTS TO OTHER A	656.29	25,166.95	42,622.00	17,456.00-	46,500.00
501 EQUIPMENT	53,587.93	120,639.06	166,646.00	46,007.00-	181,798.00
602 OTHER EXPENSES & OBLIGATI	0.00	10,599.00	0.00	10,599.00	0.00
701 LICENSES	0.00	100.00	45.00	55.00	50.00
DIVISION TOTAL	390,553.00	4,280,378.67	4,701,842.00	421,465.00-	5,129,321.00

E92Jun-3

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 11

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	410,554.29	4,666,052.71	5,108,880.00	442,826.00-	5,573,330.00
202 IN-STATE TRAVEL	6,557.59	55,994.65	77,546.00	21,551.00-	84,599.00
203 STATE VEHICLE OPERATION	12,912.35	171,722.59	176,455.00	4,733.00-	192,500.00
204 STATE VEHICLE DEPRECIATIO	0.00	240,770.00	213,304.00	27,466.00	232,697.00
205 OUT-STATE TRAVEL	0.00	2,450.73	4,045.00	1,594.00-	4,415.00
301 OFFICE SUPPLIES	1,348.21	26,578.27	43,950.00	17,371.00-	47,950.00
302 FACILITY MAINTENANCE SUPP	32,852.96	392,268.29	386,284.00	5,983.00	421,404.00
303 EQUIPMENT MAINTENANCE SUP	19,746.21	241,582.98	265,144.00	23,560.00-	289,250.00
307 AG., CONSERVATION & HORT S	13,828.11	24,190.64	19,708.00	4,483.00	21,500.00
308 OTHER SUPPLIES	3,780.28	27,018.78	35,466.00	8,447.00-	38,694.00
309 PRINTING & BINDING	4,384.50	13,159.94	27,957.00	14,798.00-	30,500.00
312 UNIFORMS & RELATED ITEMS	846.25	39,982.65	48,285.00	8,303.00-	52,679.00
401 COMMUNICATIONS	11,127.91	82,891.66	90,749.00	7,856.00-	99,002.00
402 RENTALS	2,029.50	20,084.70	25,987.00	5,903.00-	28,350.00
403 UTILITIES	18,885.13	342,315.73	346,912.00	4,598.00-	378,451.00
405 PROF & SCIENTIFIC SERVICE	3,149.00	38,550.79	77,966.00	39,415.00-	85,055.00
406 OUTSIDE SERVICES	7,703.67	135,883.50	195,248.00	59,365.00-	213,000.00
408 ADVERTISING & PUBLICITY	52.75	1,050.96	1,878.00	827.00-	2,050.00
410 DATA PROCESSING	0.00	3,073.38	9,165.00	6,092.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	81.26	16,467.05	5,041.00	11,426.00	5,500.00
501-EQUIPMENT	7,941.37	94,186.30	120,082.00	25,895.00-	131,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	45,610.36	2,474.00	43,136.00-	2,700.00
701 LICENSES	20.00	105.00	1,372.00	1,267.00-	1,498.00
DIVISION TOTAL	557,801.34	6,681,991.66	7,283,898.00	601,907.00-	7,946,124.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 14

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	112,456.83	1,514,274.96	1,798,655.00	284,380.00-	1,962,174.00
202 IN-STATE TRAVEL	3,332.22	30,309.74	46,689.00	16,381.00-	50,939.00
203 STATE VEHICLE OPERATION	7,170.44	71,238.44	68,746.00	2,494.00	75,000.00
204 STATE VEHICLE DEPRECIATIO	0.00	106,440.00	100,447.00	5,993.00	109,580.00
205 OUT-STATE TRAVEL	0.00	1,546.59	2,750.00	1,204.00-	3,000.00
301 OFFICE SUPPLIES	8,213.26	24,563.80	19,156.00	5,407.00	20,900.00
302 FACILITY MAINTENANCE SUPP	3,090.66	38,896.85	35,289.00	3,609.00	38,500.00
303 EQUIPMENT MAINTENANCE SUP	3,378.27	45,464.65	53,256.00	7,791.00-	58,100.00
307 AG., CONSERVATION & HORT S	67,955.18	196,349.90	81,786.00	114,564.00-	89,223.00
308 OTHER SUPPLIES	595.94	43,693.72	45,373.00	1,680.00-	49,500.00
309 PRINTING & BINDING	586.35	8,128.10	15,031.00	6,903.00-	16,400.00
312 UNIFORMS & RELATED ITEMS	437.03	11,832.58	14,753.00	2,919.00-	16,100.00
401 COMMUNICATIONS	2,469.05	31,327.35	31,896.00	567.00-	34,800.00
402 RENTALS	13,612.96	29,362.78	27,499.00	1,864.00	30,000.00
403 UTILITIES	2,421.16	26,206.68	29,790.00	3,583.00-	32,500.00
405 PROF & SCIENTIFIC SERVICE	1,646.40-	1,338.25	69,666.00	68,328.00-	76,000.00
406 OUTSIDE SERVICES	10,195.54	39,876.94	37,123.00	2,754.00	40,500.00
408 ADVERTISING & PUBLICITY	0.00	1,740.82	824.00	917.00	900.00
410 DATA PROCESSING	0.00	1,660.54	1,007.00	653.00	1,100.00
501 EQUIPMENT	6,395.47	98,999.54	139,371.00	40,370.00-	152,043.00
602 OTHER EXPENSES & OBLIGATI	0.00	8,381.00	0.00	8,381.00	0.00
DIVISION TOTAL	240,661.96	2,331,633.23	2,619,107.00	287,470.00-	2,857,259.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 16

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	154,355.36	1,995,655.53	2,231,618.00	235,964.00-	2,434,505.00
202 IN-STATE TRAVEL	3,080.55	25,845.89	47,796.00	21,951.00-	52,154.00
203 STATE VEHICLE OPERATION	1,672.40	20,104.76	23,832.00	3,727.00-	26,000.00
204 STATE VEHICLE DEPRECIATIO	0.00	24,450.00	27,225.00	2,775.00-	29,700.00
205 OUT-STATE TRAVEL	522.45	9,971.34	14,527.00	4,554.00-	15,850.00
301 OFFICE SUPPLIES	2,608.77	17,126.59	14,318.00	2,811.00	15,629.00
302 FACILITY MAINTENANCE SUPP	25.97	196.53	1,237.00	1,041.00-	1,350.00
303 EQUIPMENT MAINTENANCE SUP	0.00	9,148.56	16,956.00	7,807.00-	18,500.00
304 PROF. & SCIENTIFIC SUPPL	1,502.40	16,828.37	24,748.00	7,921.00-	27,000.00
308 OTHER SUPPLIES	9,094.24	44,058.31	36,533.00	7,525.00	39,661.00
309 PRINTING & BINDING	1,223.70	14,753.78	38,169.00	23,415.00-	41,645.00
401 COMMUNICATIONS	4,761.66	32,199.91	31,400.00	799.00	34,260.00
402 RENTALS	350.00	2,160.00	2,200.00	40.00-	2,400.00
403 UTILITIES	2,271.95	11,550.58	12,076.00	525.00-	13,175.00
405 PROF & SCIENTIFIC SERVICE	133,835.05	642,646.57	747,648.00	105,001.00-	815,620.00
406 OUTSIDE SERVICES	3,488.67	48,443.56	27,409.00	21,035.00	29,910.00
408 ADVERTISING & PUBLICITY	0.00	198.85	0.00	199.00	0.00
410 DATA PROCESSING	0.00	10,941.41	17,046.00	6,107.00-	18,600.00
414 REIMBURSEMENTS TO OTHER A	1,026.29	3,217.84	6,493.00	3,275.00-	7,090.00
501 EQUIPMENT	21,266.41	79,390.38	146,498.00	67,107.00-	159,823.00
602 OTHER EXPENSES & OBLIGATI	0.00	16,236.00	0.00	16,236.00	0.00
DIVISION TOTAL	341,085.87	3,025,124.76	3,467,729.00	442,605.00-	3,783,072.00

Environmental Protection Commission Minutes

June 1992

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 18

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-10-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	448,793.64	5,684,618.48	6,343,907.00	659,292.00-	6,920,643.00
202 IN-STATE TRAVEL	5,216.74	51,923.12	109,577.00	57,656.00-	119,550.00
203 STATE VEHICLE OPERATION	3,548.04	34,647.40	57,016.00	22,368.00-	62,200.00
204 STATE VEHICLE DEPRECIATIO	0.00	48,885.00	60,499.00	11,614.00-	66,000.00
205 OUT-STATE TRAVEL	2,947.63	30,121.57	29,329.00	792.00	32,000.00
301 OFFICE SUPPLIES	5,290.40	51,077.88	51,829.00	750.00-	56,550.00
302 FACILITY MAINTENANCE SUPP	541.90	1,281.87	2,336.00	1,054.00-	2,550.00
303 EQUIPMENT MAINTENANCE SUP	498.44	6,840.03	10,081.00	3,242.00-	11,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	35.12	916.00	881.00-	1,000.00
308 OTHER SUPPLIES	3,746.61	20,962.04	20,573.00	388.00	22,450.00
309 PRINTING & BINDING	9,617.55	32,280.00	39,960.00	7,680.00-	43,600.00
312 UNIFORMS & RELATED ITEMS	206.12	875.44	3,665.00	2,789.00-	4,000.00
401 COMMUNICATIONS	11,015.74	103,397.96	101,474.00	1,923.00	110,700.00
402 RENTALS	6,284.82	48,675.94	50,599.00	1,923.00-	55,200.00
403 UTILITIES	961.48	14,144.39	13,841.00	303.00	15,100.00
405 PROF & SCIENTIFIC SERVICE	220,198.20	881,762.27	1,231,598.00	349,836.00-	1,343,568.00
406 OUTSIDE SERVICES	1,374.83	26,699.20	39,844.00	13,144.00-	43,470.00
408 ADVERTISING & PUBLICITY	406.20	4,110.07	10,906.00	6,797.00-	11,900.00
410 DATA PROCESSING	432.97	92,384.35	124,880.00	32,498.00-	136,240.00
414 REIMBURSEMENTS TO OTHER A	5,124.23	19,066.17	24,652.00	5,586.00-	26,900.00
501 EQUIPMENT	120,904.78	285,631.54	577,032.00	291,402.00-	629,496.00
602 OTHER EXPENSES & OBLIGATI	0.00	25,074.00	91.00	24,983.00-	100.00
DIVISION TOTAL	847,110.32	7,464,493.84	8,904,605.00	1,440,123.00-	9,714,217.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 22

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-10-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	776,764.46	9,912,119.16	10,251,664.00	339,547.00-	11,183,655.00
202 IN-STATE TRAVEL	23,546.16	268,830.35	285,686.00	16,854.00-	311,671.00
203 STATE VEHICLE OPERATION	35,448.21	454,143.77	419,783.00	34,361.00	457,959.00
204 STATE VEHICLE DEPRECIATIO	23,480.00	601,010.00	653,817.00	52,807.00-	713,260.00
205 OUT-STATE TRAVEL	3,623.16	18,422.16	25,666.00	7,242.00-	28,000.00
301 OFFICE SUPPLIES	16,600.41	253,290.66	172,432.00	80,858.00	188,120.00
302 FACILITY MAINTENANCE SUPP	23,923.75	198,035.61	304,084.00	106,048.00-	331,744.00
303 EQUIPMENT MAINTENANCE SUP	29,018.57	305,231.51	320,496.00	15,266.00-	349,652.00
307 AG., CONSERVATION & MORT S	25,408.89	212,488.12	294,402.00	81,913.00-	321,177.00
308 OTHER SUPPLIES	4,204.79	96,119.43	77,038.00	19,083.00	84,058.00
309 PRINTING & BINDING	3,064.40	56,879.02	138,207.00	81,328.00-	150,776.00
312 UNIFORMS & RELATED ITEMS	4,665.38	116,787.28	111,653.00	5,135.00	121,821.00
401 COMMUNICATIONS	18,244.59	182,362.71	157,523.00	24,838.00	171,854.00
402 RENTALS	7,388.12	39,850.26	42,611.00	2,761.00-	46,492.00
403 UTILITIES	16,554.36	177,944.67	198,926.00	20,982.00-	217,020.00
405 PROF & SCIENTIFIC SERVICE	15,238.18	99,498.24	128,198.00	28,700.00-	139,855.00
406 OUTSIDE SERVICES	5,703.64	106,573.48	94,708.00	11,867.00	103,330.00
407 INTRA-STATE TRANSFERS	143,843.00	143,843.00	133,031.00	10,812.00	145,125.00
408 ADVERTISING & PUBLICITY	93.68	2,566.75	2,336.00	230.00	2,550.00
410 DATA PROCESSING	0.00	37,995.69	40,424.00	2,428.00-	44,100.00
414 REIMBURSEMENTS TO OTHER A	12,920.34	129,794.50	127,825.00	1,968.00	139,450.00
501 EQUIPMENT	32,275.89	218,981.83	285,502.00	66,517.00-	311,471.00
602 OTHER EXPENSES & OBLIGATI	0.00	1,133.00	733.00	400.00	800.00
701 LICENSES	0.00	50.00	275.00	225.00-	300.00
DIVISION TOTAL	1,222,009.98	13,633,951.20	14,267,020.00	633,068.00-	15,564,240.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/92

PAGE 24

	TOTAL EXPENDITURES 05/01/92 - 05/31/92	TOTAL EXPENDITURES FY-10-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	35,079.82	375,796.56	568,989.00	193,191.00-	620,719.00
202 IN-STATE TRAVEL	922.87	25,176.00	26,086.00	910.00-	28,460.00
205 OUT-STATE TRAVEL	733.75	5,275.51	14,664.00	9,387.00-	16,000.00
301 OFFICE SUPPLIES	143.07	2,748.99	16,524.00	13,775.00-	18,030.00
303 EQUIPMENT MAINTENANCE SUP	0.00	1,252.58	229.00	1,024.00-	250.00
308 OTHER SUPPLIES	51.57	7,743.39	7,608.00	135.00	8,300.00
309 PRINTING & BINDING	1,213.70	15,270.70	95,444.00	80,173.00-	104,123.00
401 COMMUNICATIONS	2,048.80	10,655.36	23,190.00	12,535.00-	25,300.00
405 PROF & SCIENTIFIC SERVICE	6,298.42	87,315.90	110,419.00	23,103.00-	120,458.00
406 OUTSIDE SERVICES	375.00	2,292.99	6,368.00	4,076.00-	6,950.00
410 DATA PROCESSING	0.00	3,921.33	4,857.00	936.00-	5,300.00
414 REIMBURSEMENTS TO OTHER A	3,469.82	10,652.88	15,995.00	5,342.00-	17,450.00
501 EQUIPMENT	894.74	26,823.37	22,983.00	3,840.00	25,075.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,518.00	0.00	4,518.00	0.00
DIVISION TOTAL	51,231.56	579,443.56	913,356.00	333,911.00-	996,415.00

Mr. Kuhn distributed the financial status report updated through the end of May. He noted that the department should end the fiscal year in the black but it will be very close. He stated that if the budget process becomes established as to what next year's budget is, staff will get the budget request out to the Commission as rapidly as they can.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
 2. Variance Report
 3. Hazardous Substance/Emergency Response Report
 4. Enforcement Status Report
 5. Contested Case Status Report
-

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 16 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
June 1, 1992

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	*7/20/92	*8/19/92	*9/ /92	*9/ /92	*10/19/92	*10/19/92	*11/11/92	*12/16/92
2. Ch. 10 - Administrative Penalties	6/15/92	*7/08/92	*8/ /92	-----	*9/14/92	*9/14/92	*10/14/92	*11/18/92
3. Ch. 40, 41, 42, 43-Definitions, Water Supplies-Lab Certification/Design and Operation	5/18/92	6/10/92	*7/ /92	*7/01/92 *7/02/92 *7/07/92 *7/08/92	*8/17/92	*8/17/92	*9/16/92	*10/21/92
4. Ch. 61 - Certification of Corps of Engineers Permits	*7/20/92	*8/19/92	*9/ /92	*9/ /92	*10/19/92	*10/19/92	*11/11/92	*12/16/92
5. Ch. 61 - Water Quality Stds.- Phase IV	4/20/92	5/13/92	6/10/92	6/04/92 6/05/92 6/08/92	*7/20/92	*7/20/92	*8/19/92	*9/23/92
6. Ch. 64 - Stormwater Discharge Permits	11/18/91	12/11/91	1/06/92	1/03/92 1/10/92	6/15/92	*6/15/92	*7/08/92	*8/12/92
7. Ch. 92 - State Revolving Loans for Wastewater Treatment	3/16/92	4/15/92	5/11/92	5/07/92	*7/20/92	*7/20/92	*8/19/92	*9/23/92
8. Ch. 100 & 102 - Permits - Special and Infectious Wastes	1/21/92	2/19/92	3/09/92	3/18/92	*7/20/92	*7/20/92	*8/19/92	*9/23/92
9. Ch. 136 - New Financial Assurance Compliance Date for UST Owners with 1-12 Tanks	3/16/92	4/15/92	5/11/92	5/05/92	6/15/92	*6/15/92	*7/08/92	*8/12/92

*Projected

MONTHLY VARIANCE REPORT						
Month: May, 1992						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Small Contracting Co.- Sioux City	Air Quality		Landscape Waste	Denied	05/20/92
2.	City of Hillsboro	Wastewater Construction	French-Reneker Associates, Inc.	Pond Influent Piping	Approved	05/04/92
3.	E. I. DuPont de Nemours & Co. - Clinton	Wastewater Operation		Monitoring Frequency	Approved	05/14/92
4.	Glacier Vandervell, Inc. - Atlantic	Wastewater Operation		Monitoring Frequency	Approved	05/14/92
5.	Ottumwa-Wapello Sanitary Landfill	Solid Waste		Leachate	Denied	05/01/92

Report of Hazardous Conditions

During the period May 1, 1992 through May 31, 1992, reports of 141 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
05/01/92 Lee	On May 1, 1992, a saddle tank on a semi was punctured when the truck struck a light pole. 60 gallons of diesel were spilled on a parking lot at a restaurant in Fort Madison.	Shinn Truck Corp. Box 286 Knoxville, IA	The fire department diked the spill with sand to prevent migration of the material to storm sewers. The contaminated sand was disposed of at a sanitary landfill.
05/12/92 Dallas	The brakes failed on a truck owned by Heartland Coop. The truck rolled on its side, and 525 gallons of field mix 28%N and Salute herbicide were spilled into a tributary to the N. Raccoon River. No impacts to aquatic life were observed. The incident occurred near Perry.	Heartland Coop 1107 Sycamore Dallas Center, IA	The mouth of the tributary was dammed. A pump truck was used to pump the fertilizer from the creek. 20,000 gallons of fertilizer/water mixture were recovered. Contaminated soil was overexcavated. Surface water supplies were notified as a precaution.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1991

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	87(112)	52(69)	4(7)	31(36)	42(70)	2(0)	24(25)	2(1)	0(1)	17(15)
Nov.	83(69)	56(36)	3(11)	22(22)	44(35)	1(0)	22(15)	0(4)	1(1)	13(14)
Dec.	81(85)	47(61)	7(14)	27(10)	40(37)	2(1)	28(23)	2(1)	1(1)	8(22)
Jan.	64(56)	40(31)	6(7)	18(18)	33(35)	0(1)	22(9)	1(1)	0(1)	8(9)
Feb.	61(77)	38(43)	6(7)	17(27)	36(47)	0(1)	19(14)	2(2)	0(2)	4(11)
March	79(82)	40(51)	15(10)	24(21)	50(43)	0(3)	14(17)	1(3)	0(0)	14(16)
April	107(85)	50(46)	35(22)	22(17)	47(36)	3(2)	39(25)	2(1)	0(0)	16(21)
May	141(162)	41(54)	64(67)	36(41)	75(79)	0(3)	49(47)	1(3)	3(0)	13(29)
June										
July										
August										
Sept.										

Total Number Of
Incidents Per Field
Office This Period:

1	2	3	4	5	6
21	23	24	15	29	29

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of May 1, 1992 through May 31, 1992, the following number of releases from underground storage tanks were identified:

36 (80)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of May 1, 1992 through May 31, 1992, the following number of LUST cleanups were completed.

5 (489)

The number in parentheses represents the total number of LUST cleanups through May 31, 1992.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
R.V. Hopkins, Inc., Davenport (6)	Air Quality	Emission Standards	Amended Order	5/05/92
Chicago Northwestern Transportation Co., Stanwood (6)	Air Quality	Open Burning	Referred to AG	5/07/92
Donaldson Company, Inc., Cresco (1)	Air Quality	Construction Without Permit	Order	5/08/92
AgriPro Biosciences, Inc., Ames (5)	Air Quality	Construction Without Permit	Order	5/08/92
Armstrong Rim & Wheel Mfg., Armstrong (3)	Air Quality	Construction Without Permit	Order	5/08/92
Knollridge Garden Apartments, Iowa City (6)	Drinking Water	Monitoring/Reporting-Other Inorganics and Radioactivity; Public	Order/Penalty	5/08/92
Central Paving Corp., Indianola (5)	Underground Tank	Closure Investigation	Order/Penalty	5/08/92
Dahlen Transport, Inc., Clear Lake (2)	Underground Tank	Illegal Deposit	Order/Penalty	5/08/92
Land O' Lakes, Inc., Hamilton County (2)	Wastewater	Prohibited Discharge	Order/Penalty	5/08/92
Orchard, City of (2)	Wastewater	Monitoring/Reporting	Amended Order	5/08/92
Dyno Oil Company, Spirit Lake (3)	Underground Tank	Illegal Deposit	Order/Penalty	5/08/92
Beckett Chevrolet-Olds, Inc. et.al., Dyersville (4)	Underground Tank	Closure Investigation	Order	5/08/92
Mark and Craig Erpelding, Algona (2)	Hazardous Condition	Remedial Action; Site Assessment	Amended Order	5/13/92
Union Pacific Railroad Co., Council Bluffs (4)	Wastewater	Discharge Limits	Amended Order	5/18/92
Paul and Todd Behounek, Tama (5)	Air Quality	Open Burning	Referred to AG	5/18/92
Don Faber, Des Moines (5)	Solid Waste	Illegal Disposal	Referred to AG	5/18/92
Landfill of Des Moines, Inc. #5, Des Moines (5)	Solid Waste	Compliance Schedule; Other	Referred to AG	5/18/92
Lytton, City of (3)	Wastewater	Pretreatment	Referred to AG	5/18/92

Chickasaw County Sanitary Landfill; Summit Sanitation, Inc. d/b/a Finlan Landfill; Hall Disposal, Inc.; and Larry White, Chickasaw Co. (1)	Solid Waste	Compliance Schedule	Order/Penalty	5/28/92
Waste Systems Corp. and Ronald G. Roth d/b/a Winnebago Co. SLF, Winnebago Co. (2)	Solid Waste	Compliance Schedule	Order/Penalty	5/28/92
Jerry L. Troutman d/b/a Certified Tire Disposal Service and Richard Troutman, Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	5/28/92
Richard Newman, Des Moines Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty	5/28/92
Terry Strong and Marjorie Jarvis, Council Bluffs (4)	Underground Tank	Closure Investigation	Order	5/28/92
Jet Gas d/b/a Economy Oil, New London (6)	Underground Tank	Site Assessment	Order	5/28/92
Jet Gas d/b/a Pep Stop, Fairfield (6)	Underground Tank	Site Assessment	Order	5/28/92
Coggon Grain & Implement, Coggon (1)	Underground Tank	Site Assessment	Order	5/28/92
Don Grothe d/b/a Don's Motor Mart, Lake Mills	Underground Tank	Site Assessment	Order	5/28/92
Modern Piping, Inc., Cedar Rapids (1)	Underground Tank	Site Assessment	Order	5/28/92
Karl Ludwig, Dubuque (1)	Underground	Closure Investigation	Order	5/28/92
Bridgestone/Firestone, Inc.; Des Moines Independent School District, Des Moines (5)	Wastewater	Prohibited Discharge; Remedial Action	Order	5/28/92
Boomsma's-Alden Egg Washing Facility, Hardin Co. (2)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	5/28/92
Twin County Dairy, Inc., Kalona (6)	Wastewater	Compliance Schedule	Amended Order	5/28/92
Country Estates Mobile Home Park, Long Grove (6)	Drinking Water	Monitoring/Reporting- Bacteria, Other Inorganics, Organics, Radioactivity; MCL-Bacteria	Order/Penalty	5/28/92
Verde Water Co., Table Mound #1-Well #1, Dubuque (1)	Drinking Water	Monitoring/Reporting- Radioactivity	Order/Penalty	5/28/92
Casey Water Supply (4)	Drinking Water	Monitoring/Reporting- Radioactivity	Order/Penalty	5/28/92
Mount Auburn, City of (1)	Drinking Water	Monitoring/Reporting- Radioactivity	Order/Penalty	5/28/92
Estherville Golf Club, Estherville (3)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	5/28/92
Rockford Golf & Country Club, Rockford (2)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	5/28/92
Meadow Hills Golf Course, Iowa Falls (2)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	5/28/92
Centerville, City of (5)	Drinking Water	MCL - Bacteria; Monitoring/Reporting- Organics; Public Notice	Order/Penalty	5/28/92

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Paper Recovery Corporation (Sioux City)	UT	500	1-08-92
Krause Feedlot (Hardin County)	WW	500	1-23-92
*Custom Hardware Manufacturing, Inc. (Keokuk)	AQ	500	3-28-92
George Taylor (Onslow)	UT	300	4-05-92
Van Hulzen Oil Company (Oskaloosa)	UT	700	4-27-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Dawson, City of	WS	200	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Kris Ehlinger d/b/a K.J.'s Convenience (LeClaire)	UT	600	5-21-92
Charlie Fox d/b/a Charlie's Standard (Hamburg)	UT	600	5-21-92
Best Western Westfield Inn (Coralville)	WS	600	5-23-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Rocky Nook Resort (Delhi)	WS	475	5-26-92
Community Cooperative Oil Co. (Paullina)	UT	600	5-30-92
Community Cooperative Oil Co. (Remsen)	UT	600	5-30-92
Meyer Mobile Home Park (Denison)	WS	345	5-31-92

*Sleepy Hollow Campground (Oxford)	WW	500	6-01-92
*Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Martin Meier (Cerro Gordo Co.)	WW	300	6-09-92
Union Pacific Railroad Co. (Pottawattamie Co.)	WW	1,000	6-09-92
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000	6-10-92
Ace Mobile Home Park (Dubuque)	WS	200	6-10-92
*M & D's Chalet (Elgin)	WS	225	6-12-92
Advance Millwork, Inc. (North Liberty)	AQ	1,000	6-18-92
Tasler Pallet & EPS, Inc. (Hamilton County)	AQ	1,000	7-01-92
Knollridge Garden Apartments (Iowa City)	WS	500	7-13-92
Land O' Lakes, Inc. (Hamilton County)	WW	1,000	7-14-92
Dyno Oil Company (Spirit Lake)	UT	1,000	7-14-92
Don Stickle and Sons Farms (Linn County)	WW	750	8-30-92
Central Paving Corporation (Indianola)	UT	300	-----
Boomsma's, Inc. (Hardin Co.)	WW	1,000	-----
Carson Grain & Implement (Coggon)	UT	1,000	-----
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000	-----
Chickasaw Co. SLP, et.al. (Chickasaw Co.)	SW	1,000	-----
Richard Newman (Des Moines Co.)	SW	500	-----
Meadow Hills Golf Course (Iowa Falls)	WS	200	-----
Rockford Golf & Country Club (Rockford)	WS	200	-----
Estherville Golf Club (Estherville)	WS	200	-----
Mount Auburn, City of	WS	200	-----
Casey, City of	WS	200	-----
Verde Water Co./Table Mound/Well #1 (Dubuque)	WS	200	-----
Country Estates Mobile Home Park (Long Grove)	WS	765	-----
Centerville, City of	WS	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth County)	SW	950	4-11-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
Fred R. Thomas/Fred R. Thomas, Jr. d/b/a Clair-View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Lloyd Dunton (Iowa County)	SW	300	11-07-91
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	440	11-19-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
John Hosch (Jones County)	WW	1,000	12-24-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	500	1-25-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
R. D. Loftin, DVM (Osage)	UT	300	2-12-92
*Todd D. Behounek and Paul Behounek (Tama County)	SW	100	5-21-92

*On Payment Schedule

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
King's Terrace Mobile Home Court (Ames)	WW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Molkenthin Swine Operation (Keokuk County)	WW	800
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Mason City Iron and Metal Co. (Mason City)	AQ	1,000
Waterloo, City of	WW	1,000
Wally's Paint Shop (Strawberry Point)	AQ	500
Westside Park for Mobile Homes (Lee Co.)	WW	250
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Highland Golf Club, Inc. (Iowa Falls)	UT	500
Casey's General Store (Redfield)	UT	1,000
Tower Club (Cresco)	WS	400
Robert Dean (Parkersburg)	SW	500
Wiota, City of	WS	500
Ames, City of	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
West Liberty Oil Co. (West Liberty)	UT	1,000
Koehring Cranes & Excavators, Inc. (Waverly)	AQ	1,000
Village Creek Bible Council (Lansing)	WS	500
Dietrick Mobile Home Park, Inc. (Grundy Co.)	WW	1,000
Farmland Foods, Inc. (Carroll)	WW	1,000
Fieldstone Cabinetry, Inc. (Northwood)	AQ	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D.Frank/D.Steib-Interstate Salvage (Webster Co.)	AQ	600
Linden Water Supply	WS	1,000
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500
William H. Viner (Emerson)	UT	600
Partners-Four-Investments, Inc. (Rockwell)	UT	700
Ossian Chemical, Inc. (Davenport)	AQ	1,000
Farmers Cooperative Elevator (Martelle)	HC	1,000
Partners-Four-Investments, Inc. (Marble Rock)	UT	700
Community Cooperative Oil Co. (Marcus)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Clement Auto and Truck, Inc. (Webster City)	UT	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Lake Mills, City of	WS	400
Swaledale, City of	WS	400
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Twin Valley Lakes Improvement Assn. (Solon)	WS	420
Joslin Enterprises, Ltd. (Anamosa)	UT	600

*On Payment Schedule

Environmental Protection Commission Minutes

June 1992

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Van's Poultry Farm, Inc. (Johnson County)	WW	500
C-D Farm Service (Spencer)	UT	1,000
Floyd, City of	WS	50
New Virginia, City of	WS	550
Gil's Ballroom and Tavern (Andover)	WS	100
Delta Asphalt (Council Bluffs)	AQ	300
Vern Starling (Boone Co.)	SW	110
*M & D's Chalet (Elgin)	WS	50
Clow Valve Company (Oskaloosa)	WW	1,000
Danbury, City of	WS	200
Calhoun Co. Sanitary Landfill (Calhoun Co.)	SW	200
Larry Fishback (Washington Co.)	AQ	300
Ely, City of	WS	100
Eagle Window & Door, Inc. (Dubuque)	AQ	800
Darlo Schaap (Sioux Center)	SW	852
Zahrobsky Feedlot (Lucas County)	WW	500
Homestead Water Supply (Amana)	WS	675
NSK Corporation (Clarinda)	AQ	1,000
Crab Tree Lake Resort (Marshall County)	WW	1,000
Dahlen Transport, Inc. (Clear Lake)	UT	500
Landfill of Des Moines, Inc. #5 (Des Moines)	SW	1,000
Fort Madison Municipal Water Works	WS	1,000

TOTAL \$9,787

The \$1,000 penalty assessed Mark and Craig Erpelding (Algona) was rescinded.

*On Payment Schedule

ADMINISTRATIVE PENALTY REPORT

The table below summarizes administrative penalty assessments since July, 1991. Other summaries exist for prior fiscal years. The first column of this table is a rough breakdown of the environmental program and violation types for which penalties have been assessed. The other columns state the dollar amounts collected during the stated time periods, and the number of cases in parentheses.

Violation Type	FY-92 1st Qtr	FY-92 2nd Qtr	FY-92 3rd Qtr	TOTAL FY92
WW Discharge	\$ 2,500(03)	\$ 2,000(02)	\$ 4,000(04)	\$ 8,500(09)
WW Monitoring	-----	-----	700(02)	700(02)
WW Other	3,510(03)	2,000(02)	-----	5,510(05)
SW Permit	-----	1,050(01)	2,950(04)	4,000(05)
SW Open Dumping	850(03)	1,750(04)	250(01)	2,850(08)
Air Permit	5,100(06)	5,350(08)	8,750(11)	19,200(25)
Air Open Burning	-----	650(02)	300(01)	950(03)
WS Monitoring	2,250(22)	3,070(20)	10,835(62)	16,155(104)
WS Permit	-----	400(01)	250(01)	650(02)
Floodplain	800(01)	-----	-----	800(01)
HC Notice	-----	-----	500(01)	500(01)
Water Use	-----	-----	-----	-----
Underground Tanks	-----	1,000(01)	3,250(06)	4,250(07)
TOTALS	15,010(38)	17,270(41)	31,785(93)	64,065(172)

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Al's Corner Oil Co. Carroll (4)		Hazardous Condition	Remedial Action	Order	Referred	12/16/91
Amana Colonies Golf Course Amana (6)		Wastewater	Construction Without Permit	Order	Referred	2/17/92
American Meat Protein Corp. Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/21/91 4/30/92
Ames Golf & Country Club Ames (5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 1/25/93
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Amended Petition Filed	3/18/91 10/28/91
		Air Quality	Emission Stds.		Referred Petition Filed	5/20/91 10/04/91
Behounek, Paul and Todd Tama (5)	New	Air Quality	Open Burning	Referred to Attorney General	Referred	5/18/92
Bell Watcher, Inc. Poweshiek Co. (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree Reactivated	9/20/89 4/23/90 12/23/91
Boley, Fred d/b/a Boley Oil McCauley (6)		Hazardous Condition	Remedial Action	Order	Referred	2/17/92
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge/ Failure/Notify	Referred to Attorney General	Referred	5/21/90
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	7/15/91 5/19/92
Buffalo Bill Estates, Inc. Camanche (6)		Drinking Water	Mtrg/Rprtng- Nitrate	Order/Penalty	Referred	6/17/91
Buffalo Bill Estates, Inc. Clinton County (6)		Drinking Water	Mtrg/Rprtng- MCL - Bacteria	Order/Penalty	Referred	12/16/91
Build-A-Rama Kossuth County (2)		Water Rights	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Trial Date	7/27/90 10/29/90 10/10/91 7/14/92
Capitol City Oil Co. d/b/a Dakota Mobile Home Park Iowa City (6)		Wastewater	Monitoring/ Reporting	Order/Penalty	Referred	2/17/92

Environmental Protection Commission Minutes

June 1992

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)	Updated	Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed Trial Date	9/18/90 12/31/90 7/27/92
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Suit Filed Trial Date	9/20/89 8/08/90 4/08/92
Chicago & Northwestern Transportation Co.		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion Granted Order/Change Venue to Hardin Co. Motion to Consolidate	8/19/91 8/26/91 9/23/91 11/21/91 12/31/91
Blue Chip Enterprises				Order	Petition for Judicial Review Answer/Motion to Dismiss Parties Motion to Consolidate	8/14/91 9/16/91 12/31/91
(Continued) Hawkeye Land Company Iowa Falls (2)				Order	Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate	9/16/91 11/21/91 12/31/91
Chicago & Northwestern Transportation Co. Stanwood (6)	New	Air Quality	Open Burning	Referred to Attorney General	Referred	5/07/92
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Suit Filed Default Judgment	11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan Site Work Remedial System Activated	8/17/88 2/01/90 4/20/90 8/22/90 10/14/91 2/06/92
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal Appellant Filed Brief State Filed Brief	4/18/91 5/08/91 7/23/91 8/13/91 11/11/91 1/10/92
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	4/16/90 5/13/91 9/29/92
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Amended Petition Filed Trial Date	4/16/90 11/30/90 5/13/91 9/29/92
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disp.	Referred to Attorney General	Referred Petition Filed Default Judgment	8/21/90 11/30/90 6/10/91
Dilts Trucking, Inc. Crescent (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred	12/16/91
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing Order of Contempt Motion for Stay Order Granting Stay	9/16/91 9/18/91 12/06/91 12/20/91 12/26/91 12/26/91
Faber, Don Des Moines (5)	New	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	5/18/92
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument Ruling on Petition for Judicial Review Notice of Appeal	4/12/91 11/04/91 3/02/92 3/31/92
Fred Carlson Co., Inc. Decorah (2)	Updated	Air Quality	Emission Standards	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/91 8/06/91 8/20/92
Giese Construction Co. Ft. Dodge (2)	New	Solid Waste Air Quality	Illegal Disposal; Open Burning	Referred to Attorney General	Referred	5/29/92
Herweh, Bill Prairie City (5)		Underground Tank	Closure Investigation	Order	Referred	11/18/91
Hosch, John Jones County (1)	Updated	Wastewater	Prohibited Discharge	Order/Penalty	Referred Motion for Summary Judgment Hearing Date	2/17/92 5/21/92 6/26/92
Humboldt County Sanitary Landfill (2)	New	Solid Waste	Cover Violations; Other	Referred to Attorney General	Referred	5/29/92
Iowa City, City of (6)		Solid Waste	Cover Violations	Referred to Attorney General	Referred	4/20/92
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred	12/16/91
Landfill of Des Moines, Inc. Des Moines #5 (5)	New	Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred	5/18/92
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Stnds; Treatment Agreement	Order	Referred	2/18/91
Loften, R. D. d/b/a Loften Veterinary Services Osage (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred	4/20/92
Lucas-Monroe County Sanitary Landfill (5)	New	Solid Waste	Other	Referred to Attorney General	Referred	5/29/92
Lytton, City of (3)	New	Wastewater	Pretreatment	Referred to Attorney General	Referred	5/18/92

Environmental Protection Commission Minutes

June 1992

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS June 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Maasdam, Donald Rolfe (3)		Solid Waste	Operation Without Permit	Order	Referred	1/21/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred	2/17/92
McGregor, John W. and Doris v. DNR (4)		Wastewater	DNR Defendant	401 Certification	Petition for Judicial Review Answer Filed	5/30/91 6/25/91
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation	3/12/91 5/01/91 3/26/92
Midwest Environmental Law Center v. EPC	Updated	Air Quality	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Hearing on Motion Summary Judgment Denied	12/03/91 12/23/91 4/10/92 5/22/92 5/22/92
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Trial Date	12/11/89 7/19/91 6/22/92
New Virginia Sanitary District (5)	Updated	Wastewater	Mtrg/Rprtng	Referred to Attorney General	Referred Petition Filed	9/16/91 5/19/92
Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Orchard, City of (2)		Drinking Water	Mtrg/Rprtng MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	10/15/90 5/23/91 5/04/92
Rottler Farms, Inc. and Pooley and Rottler Farms, Inc. Butler County (2)		Wastewater	Pretreatment	Order/Penalty	Referred	2/17/92
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Shelley, Roberto and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	4/15/91 7/18/91 5/19/92
Simmons, Art d/b/a Art's Garage Bussey (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	5/20/91
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed Consent Decree (\$5,000) Bankruptcy Ch. 7 Filed Claim Filed Bankruptcy Trial Date	2/20/90 7/02/90 10/30/91 12/19/91 1/21/92 5/14/92
Soo Line Railroad Co. Mason City (2)		Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Starling, Vern Boone County (5)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Summary Judgment Trial Date Ruling on Motion for Summary Judgment (\$800/Admin.)	1/21/92 1/31/92 3/02/92 3/03/92

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
June 1, 1992

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/15/90 11/27/91
Thomas, Fred R. d/b/a Clair-View Acres, Delhi (1)		Drinking Water	Mtrg/Rprtng	Order/Penalty	Referred	9/16/91
Wunschel, Vernus Ida Grove (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/20/92

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JUNE 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Murphy	Hearing continued.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to Supreme Court.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	One of two sites closed-SCR completed on second.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Hearing set for 8/10/92.
1-25-89	Amoco Oil Co. - Des Moines 7LY03	Administrative Order	UT	Wornson	Settlement proposed. Clean-up progressing.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Property transferred.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Hearing continued until 7/17/92.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 JUNE 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Sent to DIA.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Proposed decision 5/14/92.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Department response sent 3/12/92.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Settlement pending.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WW	Hansen	Response from IBP 10/14/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settlement pending.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing set for 8/3/92.
9-06-90	Wilbur Munelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Wornson	Appeal dismissed.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Petition for judicial review.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	Settlement proposed.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Negotiating before filing.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing continued indefinitely.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Settled.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.

June 1992

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 JUNE 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Hearing set for 8/6/92.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing continued.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Hearings begun.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Hearing set for 6/19/92.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Landa	Hearing continued.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Information received 3/16/92.
9-16-91	Mononoca Co. SLF Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	Preliminary engineering report under review.
10-02-91	IBP, inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	Awaiting attorney response.
11-14-91	Ossian, Inc.	Permit Denial	AQ	Preziosi	Hearing set for 10/13/92.
11-15-91	Highland Golf Club, Inc.	Administrative Order	UT	Wornson	Closure completed-report inadequate.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Settlement agreed upon-finalize.
12-05-91	Tower Club	Administrative Order	WS	Hansen	Report submitted to EPC/under review by WS.
12-09-91	Robert Dean	Administrative Order	SW	Kennedy	Negotiating before filing.
12-09-91	Koehring Cranes and Excavators	Administrative Order	AQ	Preziosi	Negotiating before filing.
12-26-91	John Deere Waterloo Works	Permit Conditions	WW	Hansen	Settled. Appeal withdrawn.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Negotiating before filing.
1-03-92	New Virginia, City of	Administrative Order	WS	Hansen	Penalty paid. Settled.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	Preliminary engineering report under review by WS.
1-10-92	Calhoun Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Settled.
1-13-92	Ames, City of	Administrative Order	SW	Kennedy	Negotiating before filing.

Environmental Protection Commission Minutes

June 1992

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES JUNE 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-13-92	Village Creek Bible Camp/Retreat	Administrative Order	WS	Hansen	As-built constr. application under review by WS.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Meeting 4/13/92.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Wornson	Hearing commenced.
1-24-92	West Liberty Oil Co.	Administrative Order	UT	Wornson	Informal hearing requested/letter sent.
1-27-92	Heartland Lysine, Inc.	Tax Certification Denial	WW	Murphy	Negotiating before filing.
1-28-92	Dietrick Mobile Home Park	Administrative Order	WW	Murphy	Negotiating before filing.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-14-92	Ossian Chemical, Inc.	Administrative Order	AQ	Preziosi	Hearing continued.
2-20-92	Farmland Foods, Inc.	Administrative Order	WW	Hansen	Hearing continued to 7/21/92.
2-24-92	Fieldstone Cabinetry, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
2-24-92	Eagle Window & Door Co.	Administrative Order	AQ	Preziosi	Penalty paid. Settled.
2-25-92	Nordstrom Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Negotiating before filing.
3-03-92	Mark and Craig Erpelding	Administrative Order	HC	Murphy	Settled.
3-09-92	Iowa Power, Inc.- Council Bluffs	Permit Condition	WW	Hansen	Negotiating before filing.
3-11-92	Bernard Sadler and Ger-Mar Farms, Inc.	Administrative Order	SW	Kennedy	Negotiating before filing.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing.
3-16-92	Hammer's Plastic Recycling	Administrative Order	AQ	Kennedy	Settled.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Wornson	Negotiating before filing-penalty only.
3-23-92	Partners-Four Investments-Marble Rock	Administrative Order	UT	Wornson	Negotiating before filing-penalty only.
3-30-92	White Consolidated Industries, Inc.	Administrative order	WW	Hansen	Negotiating before filing.
4-01-92	Occidental Chemical Corp.	Administrative Order	SW	Kennedy	Negotiating before filing.
4-03-92	Charles P. Schafer; Stringtown Properties, et. al.	Administrative Order	UT	Wornson	Amended AO appealed 5/8/92.
4-06-92	Community Cooperative Oil Co. - Marcus	Administrative Order	UT	Wornson	New case.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	New case.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	WS	Hansen	New case.
4-13-92	Joslin Enterprises, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 JUNE 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
4-14-92	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
4-16-92	Swaledale, City of	Administrative Order	WS	Hansen	Negotiating before filing.
4-17-92	John M. Staub d/b/a Mr. Convenient	Administrative Order	UT	Wornson	Negotiating before filing-penalty only.
4-24-92	Ft. Madison, City of	Administrative Order	WS	Clark	Settled.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Negotiating before filing.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	New case.
5-05-92	Lincoln Farm & Home Service	Administrative Order	WW	Murphy	New case.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	New case.
5-14-92	Eagle Window & Door, Inc.	Permit Condition	AQ	Preziosi	New case.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	New case.
5-19-92	Twin Valley Lakes Improvement Assn.	Administrative Order	WS	Kennedy	Negotiating before filing.
5-21-92	National By-Products, Inc.	Tax Certification	WW	Hansen	New case.
5-26-92	First Community National Bank (Stringtown Properties-Lenox)	Administrative Order	UT	Wornson	New case.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	New case.

Discussion followed regarding the Conflict of Interest rules.

INFORMATIONAL ONLY

NONPOINT SOURCE MANAGEMENT PLAN

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Provisions of the Clean Water Act require States to prepare nonpoint source management plans which describe State efforts to address nonpoint source pollution problems. The Department prepared and received EPA approval of the State's initial Nonpoint Source Management Plan (NPSMP) in 1989. The 1989 NPSMP addressed planned nonpoint source actions through 1992. The EPA is now requiring States to update their plans to reflect proposed activities through 1996. Draft copies of Iowa's revised NPSMP will be

distributed at the Commission meeting. The primary changes to the draft revised NPSMP include a non-agricultural nonpoint source pollution component, ongoing program status updates, descriptions of new nonpoint related programs, and planned activities through 1996. Iowa's general approach to addressing nonpoint source pollution relies heavily on voluntary efforts and the proposed revisions to the NPSMP would not change this emphasis. Failure to adopt and receive EPA approval of a NPSMP would result in the loss of Section 319 funds for the implementation of nonpoint source pollution control projects. The Department received \$0.85 million and \$1.18 million in Section 319 funding in fiscal years 1990 and 1991, respectively. A request for 1992 Section 319 funds is now being considered by EPA. The Department has issued a news release indicating the revised NPSMP is available for public review and comment. Draft copies have been sent to various state and federal agencies and organizations for review. Review comments will be considered and incorporated to the extent possible. It is anticipated the final draft will be submitted for Commission approval in August.

(A copy of the State Nonpoint Source Management Plan is on file in the department's Records Center).

Mr. Stokes distributed draft copies of the State Nonpoint Source Management Report for Iowa and gave a detailed explanation of the report. He pointed out that the report was expanded this year to address urban nonpoint source pollution.

Chairperson Hartsuck asked if there is any anticipation of increased pressure from EPA to regulate this program.

Mr. Stokes responded that EPA, at the national level, is learning somewhat from the states and not looking at a command/control type of structure.

Discussion followed concerning testing of urban runoff.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 61, CERTIFICATION OF CORPS OF ENGINEERS REGIONAL PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department is proposing to provide Section 401 water quality certification for three Regional Section 404 permits proposed by the Rock Island District of the Corps of Engineers. The Department's water quality standards contained in Chapter 61 of the Commission's rules would be amended to indicate that water quality certification has been granted for the three regional permits. The Commission recently provided Section 401 water quality certification for 26 Corps Nationwide Section 404 permits. Amendments to

Chapter 61 reflecting this action were promulgated and became effective on March 25, 1992. The Regional Permits being proposed are similar to the Nationwide Permits in that they will, if certified, provide blanket Section 404 permit authority for various types of construction activities. However, Regional Permits are limited in geographical coverage and the proposed Regional Permits would only cover activities within the State of Iowa. Regional Permits, like Nationwide Permits are issued for five year periods.

The following proposed Regional Permits would be granted Section 401 water quality certification. Regional Permits 2 and 12 are renewals of existing Regional Permits; Regional Permit 20 would be a new permit and is being proposed at the request of the Soil Conservation Service.

#2-Authorizes bank stabilization along certain portions of the Des Moines River. Bank stabilization measures so authorized must conform to specifications contained in the permit conditions regarding types of materials, dimensions, etc.

#12-Authorizes boat launching facilities (i.e., boat ramps). Works covered under this permit must conform to specifications regarding materials and dimensions.

#20-Authorizes activities performed under the authority of PL 534 and PL 566. PL 566 and PL 534 authorize Federal financial and technical assistance for the planning and construction of watershed protection projects. This regional permit would cover dams, terraces, waterways and various conservation measures constructed under those authorities.

The proposed amendments to Chapter 61 will be distributed at the Commission meeting.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes distributed copies of the proposed rules and gave a detailed explanation of the rules. He stated that the issue is whether to grant blanket certification for these Regional Permits.

Brief discussion followed.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Robert Main

Robert Main, City of Newton, presented the following written statement:

"Subject: Agenda Item 8, Storm Water Discharge Permits

On behalf of the Iowa Water Pollution Control Association, I strongly urge the adoption of the proposed rules for Storm Water Discharge Permits as they are presented. These rules represent the efforts of many interested groups working together with IDNR staff in the development of a program that is both workable and reasonable to implement a program which is mandated by the federal government.

It has been very gratifying to the IWPCA to have had the opportunity to have input into the development of the rules being proposed. The IDNR staff are to be commended for taking what we feel is a very common sense approach to the rules development and implementation, and yet still fulfill the requirements of the U.S. EPA for such a program. That is not always an easy task to perform.

It is also very gratifying to see a program developed which will begin to address those discharges other than the point source discharges from municipal and industrial waste water treatment plants. Those discharges have already been regulated to such an extent that little improvement is possible or cost efficient, while unlimited discharges are possible from other point source and nonpoint sources that have been allowed to continue.

The Storm Water Discharge Permits rules are indeed a step forward in the continuing improvement of our waters of the state."

Don Jordison

Don Jordison, Executive Vice-President of the Asphalt Paving Association of Iowa, addressed the Commission stating that he is representing the Construction Trade Associations of Iowa. He thanked the DNR for allowing industry representatives to be a part of the advisory committee to help develop the Storm Water Permit rules. He expressed concern with the monitoring and reporting requirements for the category of Additional Facilities. Mr. Jordison stated that parameters have been laid out for seven items to be tested in order to control pollutants. He expressed concern with the required testing frequency as it puts a burden on the contractor for sampling and testing at the rate specified in the rules. He added that the Federal Register identified six options ranging from no testing up to testing twice a year. He suggested randomly sampling industrial facilities in a group rather than sampling every plant once a year. Mr. Jordison also expressed concern with the application fee schedule for portable plants as compared to the fee for group permits. He suggested that the department develop a permit based on an annual basis rather than an application fee and permits fee for each move of an operation.

Todd Clancy

Todd Clancy, Iowa Ready Mixed Concrete Association, stated that he agrees with the statement made by Mr. Jordison. He noted that he represents 270 permanent ready-mix concrete facilities as well as 30-40 portable facilities. He stated that he is currently

undergoing the group application process for their membership and wondered if they submit the required testing information whether there will be an industry-specific permit issued. He further questioned if there is a permit issued whether they would have to go through the rulemaking process again.

Mr. Stokes explained that a group application is a separate process from what is being discussed as a general permit and is not covered by these rules. The group permit is considered to be an individual permit covering the entire group of those who applied for it, and it would not go back through the rulemaking process. The group permit would have specific requirements and those covered would be governed by the terms of that permit.

APPOINTMENT - BEN KELLY (GRIMES COMPOSTING FACILITY)

Ben Kelly, farmer, addressed the Commission expressing concerns in regards to a proposed Metro Solid Waste dump site, at Grimes, Iowa. Mr. Kelly presented the Commission with a petition containing 700-800 signatures in objection to a permit for the facility. He displayed a map and pointed out the area involved. Mr. Kelly related that the main concern is with the water flow of the area which runs through Cutty's Lake, the Urbandale Country Club, Valerius School, Clive School and into the Raccoon River right above the Des Moines Water Works. He stated that there could be contamination in the water flow. He circulated photos taken in April, 1990 showing water coming from the proposed site and going across a county road into Walnut Creek, which goes to the Des Moines water supply. Mr. Kelly expressed concern with the close proximity of the site to the Grimes Elementary School. He noted that the surrounding area is involved in litigation because of an involuntary annexation issue. Mr. Kelly stated that following the next speaker, he will read a written statement from Dennis Day, Grimes City Council member. He related that Mr. Day recently had surgery and is unable to attend the meeting.

APPOINTMENT - JIM MOLLENDOR (GRIMES COMPOSTING FACILITY)

Jim Mollendor, Cutty's Camping Club, stated that Cutty's is concerned about their lake water eventually becoming contaminated. He referred to the Comprehensive Solid Waste Plan for the Metro Solid Waste Agency and noted it states that "sites that lead directly into streams and lakes must be avoided." He asked who they fall back on if anything ever happened to destroy their club.

Mr. Murphy commented that the owner/operator who is causing the problem would be responsible.

Discussion followed regarding the drainage area involved and what type of contamination is anticipated.

Dennis Day

Ben Kelly presented the following written statement from Grimes City Council member, Dennis Day:

"Ladies and Gentlemen of the Commission, thank you for the opportunity to come before you. My name is Dennis Day and I am a member of the Grimes City Council. I am 64 years old and have always lived in the immediate area.

There has been a conflict between the Grimes Community and the Des Moines Metro Solid Waste Agency for over 20 year. First, they were going to site a solid waste landfill; then later a compost facility; then they wanted a hazardous waste collection point.

They would like us to zone 160 acres to M-3 which would let them do anything and everything. When we deny M-3 zoning on A-1 farm land, they threaten the solid waste landfill and composting with co-compost of sewer sludge, paunch manure and food garbage.

The Metro Agency tells us that they have your operating permit for the solid waste that is ~~still valid from 20 years ago. They say the operating permit is as good as ready to go for the~~ compost and co-compost facility. They say that the hazardous waste is just one lawsuit away from ready to go.

I personally don't believe these statements. I further think most of this talk is made up of threats. None of us on the Council can figure out what they really want.

Our Mayor, Merle Alexander, was, and still is, the Grimes delegate to the Metro Board of Directors. In 1990, when this newest crisis developed over composting/co-composting, our delegate, Alexander, was chairman of the Metro Board. In the begining and yet today, none of us on the Grimes Council or people in the general community are able to figure out where our Mayor stands on this conflict. At times he is for protecting our commuity, but lately he has been desperately trying to get the A-1 zoning changed to M-3 so they can get started with a hazardous waste storage facility. Nobody in the whole community has ever gotten a straight answer about any question in the matter of solid waste, compost/co - compost or hazardous waste. Questions from tree leaves to medical waste incineration; anything and everything has been responded to with "trust us - we don't know yet - everything will be okay - there won't be any pollution or runoff." Every time there has been any discussion with the Metro Agency or even with our Mayor in Council meetings, there has been bias. Every statement has a "spin" to it. The "best" answers sort of came from the Des Moines Register newspaper.

I come before you today as a Council member and a citizen asking you to please lay this to rest. Grimes currently sends yard waste to Organic Technologies at I-35 and Highway 92. Five other cities in the metro area use OTC. There is no real need for more compost sites.

From my view on the Grimes Council, the situation is different now than it was in 1990. Earlier, the Grimes Council and citizens looked upon Cutty's Camp as good neighbors. They were in rural Polk County. Recently, they have annexed into our city. Therefore, I think as a Council member, I must exert maximum effort to preserve the integrity of their lake. It must be kept pollution free for the benefit of all their property owners.

The reason we opposed the solid waste in 1972 is the same reason we opposed the compost/co-compost in 1990 and again, the same reason we oppose hazardous waste storage now. Those reasons are that this site sits on the head, or beginning of the north branch of Walnut Creek which, after about 1 1/4 miles, goes into the lake at Cutty's Campground, through Urbandale's Golf and Country Club, through Walker Johnson Park in Urbandale, near Valerius School, Clive school, 63rd and Grand in West Des Moines, and into the Raccoon River about a mile or two above the Des Moines Water Works; a total of about eleven miles from the dump site to Des Moines water supply intake.

Please take these facts into consideration. Please, once and for all, deny the Metro the ability to keep this going for another 20 years."

Mr. Day's statement was also signed by Councilmen Burton Coleman and Ronald Rosenberg.

Senator Jim Riordan (Grimes composting facility)

Senator Jim Riordan addressed the Commission stating that during the last legislative session he, along with Representative McKinney, was able to convince their colleagues that an Economic Impact Statement (EIS) needs to be done on the proposed composting site. The EIS should be completed before proceeding with any kind of facility. He added that the bill was signed by the Governor. Senator Riordan pointed out that the DNR gave a grant to Organic Technologies to establish a regional compost facility for Polk, Dallas, Warren and Madison counties; that site is not a problem as far as runoff. He stated that on one hand private development of yard waste composting is being encouraged, and on the other hand is a quasi-public agency who is saying they are not going to utilize this facility that received a grant to establish a regional yard waste facility, but instead will do it the way they want, on their own terms. Senator Riordan thanked the Commission for listening to the people and encouraged them to make sure the Metro lives up to the law and does an EIS on the area before proceeding with any kind of a facility.

Chairperson Hartsuck asked if the EIS is part of the permitting process.

Senator Riordan stated that it is outside of the permitting process.

Chairperson Hartsuck asked who makes decisions based on the EIS.

Senator Riordan responded that the intent is that the state governing body would look at the completed EIS and make some determinations.

Rozanne King asked if there has been a determination by Metro Solid Waste as to how they are going to use the area.

Senator Riordan responded that the people of the Grimes area cannot find out for sure what the real intent of Metro is, and that is what is so frustrating to them.

Mr. Stokes stated that the permit Metro applied for is strictly limited to yard waste composting only. He elaborated that they cannot co-compost with garbage sludge, paunch manure, sewage sludge, hazardous waste or anything else. It does not allow them to expand it into a full-blown solid waste disposal facility or a household hazardous materials collection site.

Discussion followed regarding the EIS legislation.

Chairperson Hartsuck asked if there is anyone from the waste agency present that would like to speak; no one requested to speak.

Director Wilson asked if the EIS has been submitted yet.

Mr. Stokes stated that that provision, though passed in law, does not become effective until July 1, 1992. He added that it is not a requirement the department can impose upon Metro, in a strict legal sense, since it does not become law until July 1. He related that the department is not empowered to consider economic impacts in terms of property value, which would be addressed in such an economic impact statement. The department's permitting decisions are limited to environmental impacts. Mr. Stokes stated that even after July 1, if an EIS were required, the law only requires nothing more than the filing of the EIS. The department is not empowered to make permitting decisions based on economic impacts.

Senator Riordan asked the Commission to direct staff to wait until after July 1 to issue a permit to Metro.

Mr. Stokes pointed out that if the Director or Commission ask staff to delay issuing the permit until July, it might provide potential for a lawsuit by Metro Solid Waste on the basis of withholding a permit. The problems with directing staff to do that are: 1) it would be precedent setting for future decisions regarding permits, and 2) it will open the possibility for legal challenge unless there is a legal basis for delaying the permit.

Discussion followed regarding legislative intent.

Chairperson Hartsuck commented that he would favor requesting that the permit be delayed until an EIS is filed.

Discussion followed regarding when the permit was originally applied for.

Linda Robel (Grimes composting facility)

Linda Robel, Grimes resident, addressed the Commission stating that she lives within one mile of the proposed site and she, along with other residents, have been fighting this for over 20 years. She noted that she has been in a health related field and is aware of potential hazards with water contamination. She stated that she has her wells tested each year. Ms. Robel expressed concern with the costs for well testing and that Dallas county has no more grant money to do it. She indicated that the firms she called would need to know exactly what they were testing for before it could be a valid test to use as a benchmark, and it could be very expensive. She asked if it is something the residents will have to pay for or if the DNR will be doing the tests on the wells. She added that that is something the DNR should consider before the permit is issued.

Chairperson Hartsuck stated that there are two issues involved: 1) whether or not to delay issuance of the permit to Metro; and 2) whether the Commission has recommendations for staff regarding the permit itself.

Nancylee Siebenmann asked if the City of Grimes has the power, under the M-3 zoning designation, to prevent this or not.

Senator Riordan stated that another reason to consider delaying the permit is that the annexation issue is in litigation and the Commission may want to wait and see if it is annexed.

Mr. Kelly pointed out the area to be annexed and stated that there are four different lawsuits in court right now between Metro Solid Waste and the City of Grimes.

Mr. Stokes reiterated that delaying the permit to Metro Solid Waste, without legal basis, could be precedent setting and could open up the possibility of a lawsuit.

Chairperson Hartsuck asked the Commissioners to voice their opinions on this matter.

Gary Priebe stated that he is in favor of delaying the permit until an EIS is submitted.

Rozanne King and Clark Yeager agreed with Commissioner Priebe.

Chairperson Hartsuck stated that he is in favor of delaying the permit until an EIS is completed but going beyond that is setting a dangerous precedent. He added that the

Commission is empowered by law to make permitting decisions on the basis of certain standards and criteria and should not get into other areas such as planning and zoning. He feels the Commission should restrict themselves to their legal responsibilities.

William Ehm stated that he agrees with Chairperson Hartsuck and added that once the EIS is submitted he does not know what staff will be able to do because it does not address any of the criteria staff must use to make the decision.

Nancylee Siebenmann agreed with what Commissioner Ehm said. She related that the Commission needs to be careful about making permitting decisions on aspects outside of their purview.

Charlotte Mohr stated that she would favor delaying action and request an EIS be made.

<p style="text-align: center;">CONSENSUS TO DELAY YARD WASTE COMPOSTING PERMIT TO METRO SOLID WASTE UNTIL EIS IS SUBMITTED</p>

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. City of Tama (tabled) - wastewater
- b. Kirshna A. Birusingh (Pott. County) (tabled) - solid waste
- c. Dyersville Implement, Inc. - water quality/hazardous condition
- d. Leo Page - (Kent) - underground tanks
- e. Hollis DeVoe/Michael Murray/Robert Rausch (Chickasaw County) - waste tire storage
- f. Charlie Fox (Hamburg) - underground tanks
- g. V.R. Dillingham (Everly) - underground tanks
- h. Follett's Tap (Camanche) - drinking water

- i. Kenneth Bode (Mills County) - penalty collection
- j. George Taylor (Onslow) - penalty collection
- k. Van Hulzen Oil Co. (Oskaloosa) - penalty collection

City of Tama

Mr. Murphy reminded the Commission that this case was tabled last month and needs to be removed from the table before action can be taken on it.

Motion was made by William Ehm to remove the City of Tama referral from the table. Seconded by Rozanne King. Motion carried unanimously.

Mr. Murphy stated that this matter involves problems with the city's wastewater treatment facility which was upgraded in the fall of 1987. An Administrative Order was issued at that time but problems continued with monitoring and reporting deficiencies, particularly as to fecal coliform monitoring. Since disinfection was necessary to meet the fecal coliform requirements new requirements on total residual came into effect. Inspection in 1989 and 1990 consistently noted operational and maintenance deficiencies. An Administrative Order was issued in February 1991 requiring compliance with their monitoring/reporting requirements and to perform adequate operation and maintenance procedures. They were also required to conduct an engineering evaluation and construct improvements to deal with the current situation. In April 1992, an inspection noted that the city's operator had left and the system was in very poor shape as far as operation and maintenance. The fecal coliform monitoring had not been done in 1991 as required. Also, there were some total residual chlorine problems and a complete engineering evaluation had not been submitted.

Appointment - Norman Miranda (City of Tama)

Norman Miranda, SEC Donahue, representing the City of Tama indicated that the problems with the facility span a long stretch of time during which the city has dealt with modifications to their treatment plant, costing them hundreds of thousands of dollars. He related that they have had problems keeping operators at the facility. Also, there were problems with communication throughout the city over what the operation and maintenance of the facility should be and over what improvements should be done. Mr. Miranda outlined recent changes that have taken place, among them the appointment of Councilman, Ernie Buresh, to head the utilities committee. He noted that his company was hired to take charge of all operations, maintenance and management for the next five years as well as develop the engineering study and design of the treatment facility. He related that they have developed an implementation schedule and submitted it to Jim

Stricker with the DNR. Mr. Miranda stated that in regards to the April 8, 1992 inspection, the city had again lost their operator and another operator was filling in. The city thought they had hired a certified operator to fill in but found out that he was not certified. He noted that the bridge was repaired and is now operating properly; the final clarifier has been cleaned and is operating at peak efficiency; the sludge inventory has been taken out of the plant; and they are now in compliance with the total residual chlorine and the fecal coliform limits. Mr. Miranda stated that the city wants to come into compliance and is working hard to do so. He asked that the Commission not refer this matter to the Attorney General's Office.

Brief discussion followed.

Mr. Murphy commented that this is not unlike many other cases when they get to the point of referral, they then begin taking the necessary steps as required. He commended the city on what they are doing but noted that referral will not interfere with their progress.

Motion was made by William Ehm for referral to the Attorney General. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

FINAL RULE--CHAPTERS 60 AND 64, STORM WATER DISCHARGE PERMITS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the attached notice of "Adopted and Filed" rules. The rules provide revisions to 567--Chapter 60 Scope of Title-- Definitions--Forms--Rules of Practice and Chapter 64 Wastewater Construction and Wastewater Operation Permits. New federal regulations require that storm water discharges from certain activities and facilities be permitted through the NPDES program. The DNR administers this federal program and will be responsible for issuing permits to those storm water discharges. The revisions implement 1991 Iowa Acts, chapter 121, (HF 661) which provides the department with general permitting authority for storm water discharges. The revisions to Chapters 60 and 64 incorporate the use of general permits for storm water discharges and set up specific procedures for the administration of individual NPDES permits and general permitting. 1991 Iowa Acts, chapter 121, requires that any general permit used for storm water be adopted as a rule. The rule revisions to Chapter 64 include reference to DNR's NPDES General Permit No. 1 for "Storm Water Discharge Associated with Industrial Activity" and NPDES General Permit No. 2 for "Storm Water Discharge Associated with Industrial Activity for Construction Activities." A copy of these general permits and a Notice of Intent form, 542-1415 are also attached.

In November 1991, the Commission approved a Notice of Intended Action on rules to address storm water permitting. The Notice of Intended Action was published in the December 11, 1991, Iowa Administrative Bulletin (IAB). Six public hearings were conducted to receive comment on the proposed rules. A copy of the comments received during the public comment period and response to those comments is also included in the attachments.

(A copy of the rule and Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the rules and noted that they were delayed last month to give interested parties time to review the rules. He reminded the Commission that the rules cannot be more restrictive than the federal government. He pointed out that these rules are consistent with the federal regulations.

Rozanne King asked if a facility would have the ability to apply for a waiver in regards to frequency of monitoring a site.

Mr. Stokes responded that they can apply for a variance but it would be unlikely they would receive one because of the fairly minimal monitoring requirements.

A lengthy discussion followed regarding permit fees, different types of permits, and the length of time required to monitor after leaving a temporary site.

Motion was made by Gary Priebe to approve Final Rule--Chapters 60 and 64, Storm Water Discharge Permits. Seconded by Charlotte Mohr. Motion carried unanimously.

ADOPTED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

Kirshna Birusingh

Mr. Murphy reminded the Commission that this case was tabled last month and will need to be removed from the table in order to take action on it.

Motion was made by Gary Priebe to remove the Kirshna Birusingh referral from the table. Seconded by Rozanne King. Motion carried unanimously.

Mr. Murphy stated that this case was tabled last month to allow staff time to check out the area to see if compliance on cleanup had taken place. He noted that the litigation report contained a written report from the field office in regards to that inspection. Mr. Murphy

circulated photos taken by the field office during inspection and noted that staff is not sure any waste was removed but thought it was buried instead.

Appointment - Paul Dofner (Kirshna Birusingh referral)

Paul Dofner, Owner and Operator of Dofner Trucking and Excavating, addressed the Commission stating that he was hired by Mr. Birusingh to fill a hole with concrete. He related that he filled the hole and then it got out of hand with everybody sneaking in and dumping waste on the area. He added that he did what he could to clean up the land but there was a rain storm and he could not get back into the area with his machinery to finish cleaning.

Clark Yeager asked Mr. Dofner how he would describe the area now.

Mr. Dofner stated that it now has alfalfa and oats sowed on it.

Chairperson Hartsuck asked if there is still solid waste material that has not been removed.

Mr. Dofner replied affirmatively.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

REFERRED

FINAL RULE--CHAPTER 136, NEW FINANCIAL ASSURANCE COMPLIANCE DATE FOR PETROLEUM UNDERGROUND TANK OWNERS WITH 1-12 TANKS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption of the attached amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks." The amendment changes the compliance date from October 26, 1991 to December 31, 1993 for owners of 1-12 petroleum underground storage tanks to meet financial responsibility requirements.

A change in the federal regulations extended the compliance date. Adoption of the rule change will keep Iowa's rules consistent with federal regulations as required by Iowa Code section 455B.474.

No one attended the public hearing on the amendment held May 5, 1992 in Des Moines. No written comments have been received.

(Rule is shown on the following 1 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission adopted the following amendment to Chapter 136, "Financial Responsibility for Underground Storage Tanks" at a public meeting held April , 1992.

The amendment changes subrule 136.2(4) by extending the compliance date for owners of one to twelve petroleum underground storage tanks to show financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases of petroleum from the their tanks. The compliance date is being changed from October 26, 1991 to December 31, 1993.

The amendment adopts a change made in the federal underground storage tank regulations as published in the December 23, 1991, Federal Register. Iowa Code, section 455b.474, subsection 7, requires the department's rules to be consistent and not to exceed the requirements of the federal regulations.

A public hearing on these rules was held May 5, 1992 in Des Moines with no one attending. No written comments were received.

These rules are intended to implement Iowa code section 455B.474.

ITEM 1. Amend subrule 136.2(4) as follows:

136.2(4) All petroleum UST owners not described in subrules 136.2(1) to 136.2(3) and 136.2(5); December 31, 1993. ~~October 26, 1991.~~

DATE

Larry Wilson, Director

Mr. Stokes gave a brief explanation of the rules.

Charlotte Mohr asked why the first paragraph of the rule indicates a public meeting was held in April 1992.

Mr. Stokes explained that originally it was thought that the hearing would be held around the end of April but it was not. The date should have been corrected to May 5, 1992.

Brief discussion followed.

Motion was made by William Ehm to approve Final Rule--Chapter 136, New Financial Assurance Compliance Date for Petroleum Underground Tank Owners with 1-12 Tanks. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

ADOPTED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 10, ADMINISTRATIVE PENALTIES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission's legislative proposal to increase administrative penalty authority to \$10,000.00 was passed by the General Assembly and has been signed by the Governor. A copy of H.F. 2299 is attached. Also attached is a Notice of Intended Action which implements the changes made by H.F. 2299. No policy changes are proposed. Items 1 and

4 specifically address the changes made by H.F. 2299. Item 2 reflects organizational changes in the department since the rules were first adopted. Item 3 reflects other changes in statutes, specifically higher penalty levels in air quality, solid waste, and water, as well as the addition of the underground tank program, and associated penalties. A copy of existing chapter 10 is also attached, for reference. The Commission is requested to approve the Notice of Intended Action. The earliest we will be able to adopt final rules will be at the August meeting.

(A copy of H.F. 2299 and the existing Chapter 10 is on file in the department's Record's Center)

ENVIRONMENTAL PROTECTION COMMISSION {567}

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.109, as amended by 1992 Iowa Acts, H. F. 2299, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 10, "Administrative Penalties," Iowa Administrative Code. The 1992 statutory amendment changed the authorized penalty level from \$1,000.00 to \$10,000.00, and struck the word "minor", referencing the violations for which administrative penalties may be assessed. The rule amendments proposed in this Notice simply reflect those changes, as well as organizational changes in the Department and other statutory changes since the time these rules were first adopted. The policies reflected in the existing rules are not being changed.

Written comments may be directed to Michael Murphy, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895, on or before July 28, 1992. Questions or oral comments may be directed to Mr. Murphy at (515) 281-8973,

These rules may impact small business.

These rules are intended to implement Iowa Code section 455B.109.

The following amendments are proposed.

ITEM 1. Amend rule 10.1(455B) by deleting the word "minor" in the first sentence.

ITEM 2. Amend rule 10.2(455B), introductory paragraph, as follows:

567-10.2(455B) **Criteria for screening and assessing administrative penalties.** All formal enforcement actions are processed through the legal services environmental protection division administrator of the department. The legal staff administrator shall screen each case to determine the most equitable and efficient means of redressing and abating the violation. (No change thereafter.)

ITEM 3. Amend subrule 10.2(4) striking lettered paragraphs "a"-"e" and further amending this subrule as follows:

10.2(4) The maximum penalty authorized for that violation under Iowa Code chapter 455B. The penalty provisions of chapter 455B establish different maximum penalties for different categories of violation. See, e.g., for example \$500 for flood plain and water rights (455B.279); \$1,000 for hazardous condition notification (455B.386); \$5,000 for solid waste (455B.306), wastewater and drinking water (455B.191), and underground tanks (455B.477); \$10,000 for air pollution (455B.146) and hazardous waste (455.417 and 455B.454); and more severe criminal sanctions for culpable water, hazardous waste, and underground tank violations. These penalty provisions also authorize penalties for each day of violation, which for an ongoing violation can be substantial. Thus the department will consider not only the maximum daily penalty in the Code for that type of violation, but also the maximum penalty for cumulative violations under consideration.

ITEM 4. Amend rule 10.3(455B), introductory paragraph, by changing \$1,000 to \$10,000, and subrule 10.3(2) by changing \$300 to \$3,000 in two places and \$100 to \$1,000.

Date

Larry J. Wilson, Director

Mr. Stokes gave a brief explanation of the rule.

Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapter 10, Administrative Penalties. Seconded by Rozanne King. Motion carried unanimously.

ADOPTED AS PRESENTED

PROPOSED CONTESTED CASE DECISION--LEO SCHACHTNER

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On November 13, 1989, the department issued Flood Plain Permit No. 89-221 to the Department's Construction Services Bureau. That action authorized reconstruction of a

water control structure and dike at the Shimon Marsh. That action was appealed by Leo Schachtner, and the matter proceeded to administrative hearing on April 22, 1992. A Prehearing Ruling was also issued on March 25, 1992. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on May 14, 1992. The decision remands the application for permit back to the Department for reconsideration in accordance with the rulings in the Proposed Decision.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy informed the Commission that the department received an appeal from Mr. Schachtner today; therefore, it will come before the Commission at a later date.

NO ACTION TAKEN

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

Hollis DeVoe/Michael Murray/Robert Rausch

Mr. Murphy stated that this matter involves two tire storage disposal sites. He noted that Mr. Murray and Mr. Rausch are property owners in Chickasaw county. Mr. DeVoe had been told that a permit was not required to store tires indoors and there had been arrangements made to do that. Upon inspection in January, both sites had an accumulation of tires in the outdoor areas. At that time all parties were told to remove the tires stored outdoors. Reinspection in April disclosed that nothing had been done in that regard and at one site additional tires had been placed outdoors.

Appointment - Hollis DeVoe

Hollis DeVoe, President of Ecology Enterprises, distributed a folder to each Commissioner containing correspondence between a DNR field office and Ecology Enterprises, Inc. He circulated photos of the Murray site and the Ft. Dodge site showing what he has done to bring them into compliance. He related that the Ft. Dodge site is 90% complete. He presented background on Ecology Enterprises. Mr. DeVoe asked how the Murray site violates the law. He related that he asked Deputy Director, Don Paulin, to send him a copy of what law his company was violating, and Mr. Paulin sent him a copy of Iowa's hazardous waste laws. He expanded on problems he has encountered in getting his business off the ground. Mr. DeVoe stated that Robert Rausch sells used tires off his farm and has made enough to help make his farm and equipment payments. He noted that he sent two gooseneck trailers to remove the tires and is waiting to remove the remaining tires

until he can open the Kensett facility. He added that the tires at the Rausch, Murray, Waterloo, and Mason City sites can be ground up in 14 days.

Clark Yeager asked if the department is going to let the Attorney General sort out who bears what responsibility.

Mr. Murphy responded affirmatively adding that Mr. DeVoe's company is mainly handling it but the property owners are allowing the materials to be stored outside.

Brief discussion followed.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

Dyersville Implement, Inc.

Mr. Murphy stated that this matter involves an unreported diesel fuel spill at 10:00 a.m., on April 15, 1992. The department received complaints late that afternoon of an oil sheen in the north fork of the Maquoketa River. Investigation the following morning led staff to Dyersville Implement, Inc. The effects of the spill continued for nine days. Mr. Murphy stated that if the spill had been reported promptly, damage could have been prevented.

Appointment - Duane Gravel (Dyersville Implement, Inc. referral)

Duane Gravel, Owner of Dyersville Implement, explained that his company is the lowest lying area in the vicinity and is tiled very well. He stated that he is not denying the spill. When he observed the brass valve on the outside of the diesel fuel barrel was cracked, he immediately repaired it but was not aware that it had to be reported to the DNR. Mr. Gravel stated that he did everything in his power to contain the spill. He added that on the evening of the spill they had an inch of rain causing it to go into the creek. He noted that he has done everything the DNR recommended. Mr. Gravel related that he is in the process of putting in a pad and containment wall. He feels that other than the negligence charge there shouldn't be anything involved as he did everything to contain and clean up the spill.

Clark Yeager asked how much Mr. Gravel spent in his clean up efforts.

Mr. Gravel responded that he has spent \$5,000 and the containment wall will be another \$4,000.

Nancylee Siebenmann asked if it is an option to impose a penalty or administrative type fine rather than referral.

Mr. Murphy responded that that is always an option but staff views this case more seriously than that. He added that failure to report is a very significant factor in this case.

Discussion followed regarding emergency response and clean up efforts.

Motion was made by Nancylee Siebenmann that an appropriate Administrative Penalty be levied for failure to report and that failure to pay the penalty within a timely manner would be an automatic referral. Seconded by Rozanne King.

Gary Priebe stated that he is curious as to the amount of penalty being alluded to.

Nancylee Siebenmann replied that she is not specifying an amount but is leaving that to staff discretion.

Commissioner Priebe stated that he would still like to know what is being considered as an amount.

~~*Nancylee Siebenmann amended her motion to add that the Commission go into closed session.*~~

Director Wilson indicated that it will take a separate motion and roll call vote to go into closed session.

Commissioner Siebenmann withdrew her motion. Rozanne King withdrew her second.

MOTION WITHDRAWN

Closed Session (Dyersville Implement, Inc. referral)

Motion was made by Nancylee Siebenmann to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Rozanne King.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Yeager, Britt, Ehm, King, Priebe, Mohr, and Hartsuck. Motion carried unanimously.

Motion was made by Rozanne King to adjourn the closed session and return to open session. Seconded by Verlon Britt.

Chairperson Hartsuck requested a voll call vote. "Aye" vote was cast by Commissioners Yeager, Britt, Ehm, King, Priebe, Seibenmann, Mohr, and Hartsuck. Motion carried unanimously.

Motion was made by Nancylee Siebenmann that Dyersville Implement be charged with an Administrative Penalty of \$1,000 on the basis of their failure to notify the DNR of a hazardous spill, and that failure to comply with the penalty within a 30-day period will result in automatic referral to the Attorney General. Seconded by Gary Priebe. Motion carried unanimously.

NOT REFERRED - \$1,000 ADMINISTRATIVE PENALTY IMPOSED

Leonard Page

Mr. Murphy stated that this case involves removal of an underground tank and failure to perform the required tests. He related that there has been a number of communications with Mr. Page and the department has received no response.

Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

Charlie Fox

Mr. Murphy stated that this case involves an underground tank and failure to do the required site check. An Administrative Order was issued in March 1992; no response has been received.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

REFERRED

V.R. Dillingham

Mr. Murphy stated that this case also involves an underground storage tank and failure to do the required site check. He added that Mr. Dillingham has now contacted staff and committed to doing the site check. Staff would prefer to refer it and attempt to work out an agreement.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

REFERRED

Follett's Tap

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

REFERRED

Kenneth Bode

Mr. Murphy stated that this matter was before the Commission several months ago on appeal of an Administrative Order. Mr. Bode was ordered to clean up a dump and pay a penalty. The Commission upheld the Administrative Law Judge's decision but Mr. Bode has not paid the penalty.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

George Taylor

Mr. Murphy stated that a tank closure order was issued to this party and a penalty was assessed. The tank closure requirements were completed but the penalty has not been paid.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Gary Priebe. Motion carried unanimously.

REFERRED

Van Hulzen Oil Co.

Mr. Murphy stated that this is a tank closure case where the site check was performed but the penalty has not been paid.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Gary Priebe. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Discussion took place regarding a large waste tire pile near Shellsburg; general trash cleanup around the state and local health department involvement; spill cleanup costs; and the definition of a public water supply.

Director Wilson presented an overview of the Edith Angel Environmental Research Center in southern Iowa.

Nancylee Siebenmann reported on a CHEEC meeting several weeks ago where they discussed what procedure to use in releasing to the public their findings on significant research or hazardous conditions. A final decision was not made then.

Discussion was held on whether to continue monthly commission meetings or to go to bimonthly meetings. The consensus was to continue with monthly meetings.

ADDRESS ITEMS FOR NEXT MEETING

LLRWCC Report

June 1992

Environmental Protection Commission Minutes

NEXT MEETING DATES

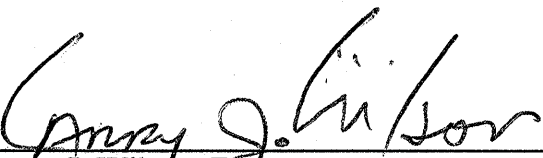
July 20, 1992

August 17, 1992

September 21, 1992

ADJOURNMENT


With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 3:05 p.m., Monday, June 15, 1992.



Larry J. Wilson, Director



Richard Hartsuck, Chairperson



Nancy Lee Siebenmann, Secretary

INDEX

A

Administrative Penalties--Chapter 10

Notice of Intended Action, 37

Adoption of Agenda, 1

Appointment

Dofner, Paul (Kirshna Birusingh referral), 35

Gravel, Duane (Dyersville Implement referral), 41

Kelly, Ben (Grimes composting facility), 26

Miranda, Norman (City of Tama referral), 32

Mollendor, Jim (Grimes composting facility), 26

Approval of Minutes, 1

B

Birusingh, Kirshna

Referrals to the Attorney General, 34

Bode, Kenneth

Referrals to the Attorney General, 44

C

Call to Order, 1

Certification of Corps of Engineers

Regional Permits--Chapter 61

Proposed Rule, 23

City of Tama

Referrals to the Attorney General, 32

Clancy, Todd - Public Participation

(storm water permit rules), 25

Closed Session

Referrals to the Attorney General

Dyersville Implement, Inc., 42

Contested Case Decision

Proposed

Schachtner, Leo, 39

Corps of Engineers

Regional Permits--Chapter 61

Proposed Rule, 23

D

DeVoe, Hollis; Murray, Michael; Rausch, Robert

Referrals to the Attorney General, 40

Dillingham, V.R.

Referrals to the Attorney General, 43

Director's Report, 1

Dofner, Paul - Appointment (Kirshna Birusingh referral), 35

Dyersville Implement, Inc.

Closed Session (referral), 42

Referrals to the Attorney General, 41

F

Final Rule

Chapter 136, New Financial Assurance Compliance Date for Petroleum Underground Tank Owners with 1-12 Tanks, 35

Final rule

Chapters 60 and 64, Storm Water Discharge Permits, 33

Financial Status Report, 2

Follett's Tap

Referrals to the Attorney General, 44

Fox, Charlie

Referrals to the Attorney General, 43

G

General Discussion, 45

Gravel, Duane - Appointment (Dyersville Implement referral), 41

J

Jordison, Don - Public Participation (storm water permit rules), 25

K

Kelly, Ben - Appointment (Grimes composting facility), 26

M

Main, Robert - Public Participation (storm water permit rules), 24

Members Absent, 1

Members Present, 1

Miranda, Norman - Appointment (City of Tama referral), 32

Mollendor, Jim - Appointment (Grimes composting facility), 26

Monthly Reports, 6

N

New Financial Assurance Compliance

Date for Petroleum Underground

Tank Owners with 1-12 Tanks--

Chapter 136

Final Rule, 35

~~Nonpoint Source Management Plan, 22~~

Notice of Intended Action

Chapter 10, Administrative Penalties, 37

P

Page, Leonard

Referrals to the Attorney General, 43

Proposed Rule

Chapter 61, Certification of Corps of Engineers Regional Permits, 23

Public Participation

Clancy, Todd (storm water permit rules), 25

Jordison, Don (storm water permit rules), 25

Main, Robert (storm water permit rules), 24

Riordan, Senator Jim (Grimes composting facility), 28

Robel, Linda (Grimes composting facility), 30

R

Referrals to the Attorney General

Birusingh, Kirshna, 34

Bode, Kenneth, 44

City of Tama, 32

DeVoe, Hollis; Murray, Michael;

Rausch, Robert, 40

Dillingham, V.R., 43

Dyersville Implement, Inc., 41

Follett's Tap, 44

Fox, Charlie, 43

Page, Leonard, 43

Taylor, George, 44

Van Hulzen Oil Company, 45

Riordan, Senator Jim

Public Participation (Grimes composting facility), 28

Robel, Linda - Public Participation (Grimes composting facility), 30

S

Schachtner, Leo

Proposed Contested Case Decision, 39

Storm Water Discharge Permits--

Chapters 60 and 64

Final Rule, 33

T

Taylor, George

Referrals to the Attorney General, 44

V

Van Hulzen Oil Company

Referrals to the Attorney General, 45